

Introduced by Senator Gaines

January 14, 2011

An act to amend Section 4004 of the Elections Code, relating to vote by mail elections, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 109, as introduced, Gaines. Elections: special: vote by mail.

Under existing law, a small city with a population of 100,000 or less, and an eligible entity, as defined, may conduct an election therein wholly by all-mail ballot, subject to certain conditions, including that the election is a special election to fill a vacancy in the legislative body of the small city or the governing board of the eligible entity, and that the election is not consolidated with any other election.

This bill would also authorize a small county with a population of 400,000 or less to conduct an election therein wholly by all-mail ballot, subject to the same conditions currently imposed on small cities and other eligible entities.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 4004 of the Elections Code is amended
- 2 to read:
- 3 4004. (a) (1) "Small city" means a city with a population of
- 4 100,000 or less, as determined by the annual city total population

1 ~~rankings~~ *estimates* by the Demographic Research Unit of the
2 Department of Finance.

3 (2) “*Small county*” means a county with a population of 400,000
4 or less, as determined by the annual county total population
5 estimates by the Demographic Research Unit of the Department
6 of Finance.

7 (b) “Eligible entity” means a school district or a special district.

8 (c) Notwithstanding Sections 1500 and 4000, an election in a
9 small city, *small county*, or an eligible entity may be conducted
10 wholly as an all-mail ballot election, subject to the following
11 conditions:

12 (1) The legislative body of the small city, *small county*, or the
13 governing body of the eligible entity, by resolution, authorizes the
14 use of mailed ballots for the election.

15 (2) The election is a special election to fill a vacancy in the
16 legislative body or governing body.

17 (3) The election is not held on the same date as a statewide
18 primary or general election.

19 (4) The election is not consolidated with any other election.

20 (5) The return of voted mail ballots is subject to Section 3017.

21 SEC. 2. This act is an urgency statute necessary for the
22 immediate preservation of the public peace, health, or safety within
23 the meaning of Article IV of the Constitution and shall go into
24 immediate effect. The facts constituting the necessity are:

25 It is necessary for this act to go into immediate effect in order
26 to allow small counties to save money in the current fiscal year by
27 conducting all-mail ballot elections for the many special elections
28 set to occur in these small counties during the current fiscal year
29 in light of the ongoing dire financial straights facing those counties.